

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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YOLONDA M. WEST,

07-cv-7260 (PKC/DCF)

PLAINTIFF,

- AGAINST -

DELORAS BRICKMAN AM NURSE/O.C.D.H.,  
CARLOS TORRES PM & AM NURSE, O.C.D.H.,  
JASON BERGER PM & AM NURSE/O.C.D.H.,  
VALERIE ZEPPLIN DAY SHIFT/O.C.J.,  
DIANE TUTTLE DAY SHIFT/O.C.J.,  
SANDRA DAWNSON PM SHIFT NURSE/O.C.H.D./OCJ,  
MAURA AM SHIFT NURSE/O.C.H.D./OCJ,

**DECLARATION OF  
KELLY M. MONROE**

DEFENDANTS.

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KELLY M. MONROE, under penalty of perjury, declares, pursuant to 28 U.S.C. § 1746,  
that the following is true and correct:

1. I am an attorney and associate of the law office of Thuillez, Ford, Gold, Butler, & Young, LLP, attorneys for defendant Doloris Brigman (improperly sued as "Deloras Brickman") in this matter and, as such, am fully familiar with the facts, circumstances and course of litigation had herein.
2. I make this declaration in support of defendant's motion to dismiss the Amended Complaint, pursuant to Federal Rule of Civil Procedure (FRCP) 12(b)(6), as the plaintiff's Amended Complaint fails to state a claim for which relief can be granted.
3. Plaintiff filed her Amended Complaint on September 24, 2007. (PACER # 5).
4. The caption of plaintiff's Amended Complaint names "Deloras Brickman" as a defendant in this action.

5. Other than being listed as a named defendant in the caption, "Deloras Brickman" is only vaguely mentioned in Section 2C of plaintiff's Amended Complaint – the name "Brickman" appears next to a date. The Amended Complaint does not name or make any reference to Doloris Brigman. There are no allegations, whatsoever, stated against the herein moving defendant.

6. Additionally, plaintiff's Amended Complaint fails to set forth any allegations of a constitutional violation.

WHEREFORE, based on the foregoing facts, plaintiff's Amended Complaint fails to state a cause of action for which relief can be granted and defendant therefore respectfully requests that this motion to dismiss be granted, pursuant to Federal Rule of Civil Procedure 12(b)(6), together with such other and further relief as the Court deems just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed On: March 21, 2008



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cc: Yolanda Michelle West, *Pro Se*  
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